

Notice of Allowability	Application No.	Applicant(s)	
	10/045,073	RUELLAN ET AL.	
	Examiner	Art Unit	
	CHAMELI C. DAS	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 1/27/06.
2. ☒ The allowed claim(s) is/are 22-42 (the newly numbered claims are 1-21).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/17/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

1. This action is in response to the amendment filed on 1/27/06.
2. Claims 1-21 have been canceled.
3. Claims 22-42 have been added.
4. Claims 22-42 have been allowed.
5. Drawings filed on 11.15.02 are accepted by the Examiner.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Leonard P. Diana, applicant's attorney on 2/17/06.

The application has been amended as follows:

In the Abstract:

at line 4, delete [(E310, E320, E327)]

at line 6, delete [(E350)]

at the last line, delete [(Figure 4)]

In the Claims:

Claim 22 (Currently amended)

at line 7, before "source code" delete [the]

at line 15, before "code" insert source

Claim 25 (Currently amended)

at the end of line 1, delete [the] and insert a

Claim 26 (Currently amended)

at the end of line 1, delete [the] and insert a

Claim 30 (Currently amended)

at line 7, before "source code" delete [the]

at line 15, before "code" insert source

Claim 33 (Currently amended)

at line 2, before "quantity" delete [the] and insert a

Claim 34 (Currently amended)

at line 2, before "transfer" delete [the] and insert a

REASON FOR ALLOWANCE

7. The following is an examiner's statement of reason for allowance:

The cited prior art taken alone or in combination fail to teach in combination with the other claimed limitations, a method of partitioning program on a first processing site, the program containing subprograms able to transfer information, the program

comprising: first line of instructions making it possible, when they are executed, to obtain and store a reference of a subprogram calling that subprogram; and second lines of instructions making it possible, when they are executed, to obtain and store the total of the data representing the information received or transferred by that subprogram, as recited in the independent claims 22 and 30.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Dynamic classification of sections of software, US 6957422 B2

TITLE: Heavyweight and lightweight instrumentation, US 6263491 B1

TITLE: Method and system for managing partitioned data resources, US 6922685 B2

TITLE: System for integrating processing by application programs in homogeneous and heterogeneous network environments, US 5524253 A

TITLE: Network independent profiling of applications for automatic partitioning and distribution in a distributed computing environment, US 6983463 B1

Art Unit: 2192

TITLE: Interception of unit creation requests by an automatic distributed partitioning system, US 6629123 B1.

TITLE: Partitioning and Optimizing Controllers Synthesized from Hierarchical High-Level Descriptions, author: Seawright et al, ACM, 1998.

TITLE: A Group-Theoretic Approach to Data and Code Partitioning, author: Besch et al, ACM, 1998.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER
2/17/08